

AMENDMENTS TO THE DRAWINGS:

A replacement drawing is submitted for Figure 7
labeling this figure as Prior Art.

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

The title is amended to indicate the invention to which the claims are directed to address the specification objection noted in the Official Action.

A replacement drawing is submitted for Figure 7 labeling this figure as Prior Art consistent with the disclosure in paragraph [0009] on page 7 of the application as filed. The above change is the only change and is believed not to introduce new matter.

Claims 1-18 are pending in the application.

Claims 2, 3, 4 and 9 were rejected under 35 USC 112, second paragraph. That rejection is respectfully traversed.

Claim 2 is amended to recite that the active material is a semiconductor material consistent with the disclosure on page 6, paragraph [0014] of the application as filed.

Claims 3, 4 and 9 are amended to recite a first material capable of forming a lithium compound and materials that are less capable of forming a lithium compound than the first material. The above changes are believed sufficient to avoid the relative terms "high" and "low" and are believed to address the 35 USC 112, second paragraph rejection and withdrawal of the same is respectfully requested.

Claims 1-18 were rejected under 35 USC 103(a) as being unpatentable over YASUDA et al. WO 2004/095612, using U.S. 2006/0115735 for translation, in view of KADOGUCHI JP 11-354110. That rejection is respectfully traversed.

Applicants note that the only sections under which YASUDA et al. could be prior art is 35 USC 102(a) or 35 USC 102(b). That is, 35 USC 102(e) is not relevant to YASUDA et al. because this reference was not published in English. Accordingly, YASUDA et al. may be applied only under 35 USC 102(a) or 102(b) as of its publication date of November 4, 2004 (see MPEP 706.02(f)(1) example 5).

Applicants claim priority to Japanese Application Nos. 2004-002411 filed January 7, 2004 and 2004-319789 filed November 2, 2004, which both antedate the earliest date to which YASUDA is entitled.

Applicants submit herewith verified English translations of the Japanese priority documents to perfect the claim to priority and remove YASUDA et al. as a prior art reference.

Since the only rejection applies the YASUDA et al. reference and as such reference is unavailable as prior art, the rejection of record cannot be maintained.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been

placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item(s):

- verified English translations of Japanese Application Nos. 2004-002411 filed January 7, 2004 and 2004-319789 filed November 2, 2004
- replacement drawing sheet for Figure 7